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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,184	11/04/2003	Neil G. Cousins	COU09 P-301	5021

277 7590 12/30/2004

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EXAMINER

TRUONG, THANH K

ART UNIT PAPER NUMBER

3721

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/701,184

Applicant(s)

COUSINS ET AL.

Examiner

Thanh K Truong

Art Unit

3721

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to applicant's amendment received on October 22, 2004.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman (4,216,640).

Kaufman discloses (figures 1-7) a wrapping machine comprising:

a base 12;

a table 14 rotatably mounted to the base for powered rotation relative to the base;

a wrapping device 18 adapted to feed film for wrapping items on the table;

a gripping device 86 on the table having an actuator 88A-B coupled to a gripping member 22A-B.

Kaufman discloses the claimed invention, but does not expressly disclose that an electrically powered actuator moves the gripping device. Using electrically powered actuator instead of pneumatic powered actuator is well known practice in the art, since it is well known and within the general skill of a worker in the art to select a known design configuration on the basis of its suitability for the intended use as matter of obvious

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design choice. Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to modify Kaufman gripping device by using an electrically powered actuator providing a simpler system and requiring less maintenance.

Kaufman further discloses: the actuator includes a linearly movable member 90A-B and resilient member that transmits force from the linear actuator 88A-B to the gripping member; the movable gripping member rotates upon movement of the linearly movable member; the gripping device includes a rack 90A-B and pinion 92A-B that rotates the first and second gripping members; and the first and second gripping members have gears that mesh with one another such that the first and second gripping members rotate in the opposite direction.

Regarding claim 19, Kaufman discloses the claimed invention except that the rack includes an extension, first and second spaced apart stops, and the spring positioned between the extension and the stops. Since the examiner takes Official Notice of the equivalence of the gripping assembly as disclosed by Kaufman and the gripping assembly in the present claimed invention for their use in the art and the selection of any of these known equivalents to retain and release film web from the wrapping device would be within the level of ordinary skill in the art.

4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaufman (4,216,640) in view of Benhanou et al. (5,452,566).

As discussed above in the paragraph 3 of this office action, Kaufman discloses the claimed invention, except for the support arm rotating around the wrapping area.

The Applicant's disclosure admitted that the wrapping apparatus as disclosed in figures 1 and 8 are conventional and well known to those skilled in the art (page 3, lines 5-6), and the apparatus of figure 1 (the wrapping device with web dispenser rotates around the article to be wrapped) and figure 8 (the article to be wrapped is rotated while the web dispenser is stationary) are the obvious variation of the same invention.

Benhamou discloses a wrapping machine comprising: among other things a support arm 5 rotarily mounted to the frame and supporting the wrapping device for movement about the wrapping area (figures 1-5). Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to modify Kaufman's wrapping machine to include the support arm as taught by Benhamou providing a wrapping machine in which the article to be wrapped is stationary.

5. Claims 1, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benhamou et al. (5,452,566).

Benhamou discloses (figures 1-6) a wrapping machine comprising:
a frame defining a wrapping area;
a wrapping device 4 adapted to feed film web from a roll of film web;
a support arm 5 rotatably mounted to the frame and supporting the wrapping device for movement about the wrapping area (figures 1-5);

a gripping device 18 having a movable gripping member 19, 20 that selectively retain and release film web fed from the wrapping device.

a table 21 rotatably mounted to the base for powered rotation relative to the base; and a wrapping device 3 adapted to feed film for wrapping items 1 on the table (figure 6).

Benhamou discloses the claimed invention, but does not expressly disclose that an electrically powered actuator moves the gripping device. Using electrically powered actuator instead of pneumatic powered actuator is well known practice in the art, since it is well known and within the general skill of a worker in the art to select a known design configuration on the basis of its suitability for the intended use as matter of obvious design choice. Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to modify Benhamou gripping device by using an electrically powered actuator providing a simpler system and required less maintenance.

Response to Arguments

6. Applicant's arguments filed October 22, 2004 have been fully considered but they are not persuasive.

In response to the Applicant's argument that none of the cited references disclose an electrically powered actuator, and therefore, the rejection is improper, the examiner disagrees.

The examiner maintains that, it is within the skill of one in the art to select a known design configuration, in this case an electrically power actuator versus a pneumatically power actuator, on the basis of its suitability for the intended use as matter of obvious design choice.

Furthermore, the Applicant has not disclosed, in the specification, that using the electrically power actuator solves any stated problem or is for any particular purpose. Accordingly, it is a matter of design choice to select either a pneumatically power actuator or an electrically power actuator.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Neff et al. (6,076,875) discloses the use of electrically power actuator.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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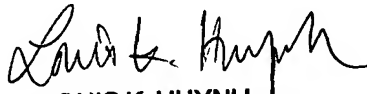
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K Truong whose telephone number is (571) 272-4472. The examiner can normally be reached on Mon-Thurs from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi I Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tkt
December 23, 2004.


LOUIS K. HUYNH
PRIMARY EXAMINER